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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/353,831	07/15/99	AKRIDGE	A AIF32886

JOSEPH H MCGLYNN
6111 SADDLE HORN DRIVE
FAIRFAX VA 22030

IM22/1003

EXAMINER

BAHTA, A

ART UNIT	PAPER NUMBER
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1775

3

DATE MAILED:

10/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/351,831

Applicant(s)

Allen Akridge

Examiner

Abraham Bahta

Group Art Unit

1775



☒ Responsive to communication(s) filed on Jul 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallone (USP 1,442,290) in view of Koshalko (USP 1,538,562).

Pallone teaches a windmill including a frame having thereon a body representing a bird including oscillatory flapping wings, with operating connection with a windwheel shaft, for the purpose of giving the impression that the bird is flying. See col. 1, lines 10-17. The figure which is a bird is mounted on a frame of a rectangular shape. See Fig. 1 and col. 1 line 55. Further, a crank is connected to the shaft. See col. 2, lines 60-66. The reference also teaches the shaft comprises a crank. The crank has portions wherein one portion is connected to the shaft perpendicularly and the other portion (9) parallel to the shaft. See Fig. 1.

The reference does not require means for controlling the speed of the movable bird.

Koshalko teaches an air-propeller operated device comprising means for controlling the speed of a movable device. See col. 2, lines 78-87. Further, the reference teaches the device may be attached to an automobile. See col. 1, lines 13-17.

Art Unit: 1775

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide means for controlling the speed of a movable part and means for attaching the device to an automobile from the teaching of Koshalko in the teaching of Pallone in order to slowdown a moving part so that the device will neither become injured from too rapid operation nor operate so fast as to mar the pleasing appearance of the movement of the moving parts.

Any inquiry concerning this communication should be directed to Abraham Bahta at telephone number (703) 308-4412. The Examiner can normally be reached Monday-Friday from 9:30 AM -6:00 PM (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor Deborah, Jones, can be reached on (703) 308-3822.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



A. Bahta

10/02/00


DEBORAH JONES
SUPERVISORY PATENT EXAMINER